

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 1755

REMARKS

Claims 1, 2, 5, 7, and 9-14 were pending in the present application.

By this amendment, claims 1, 2, 9 and 10 have been canceled, and claim 5 has been amended to be in independent form so as to be in better form for consideration on Appeal.

Claims 1, 2, 9, and 10 were withdrawn as being directed to a non-elected invention, and thus it is requested that claims 1, 2, 9 and 10 be canceled without prejudice or disclaimer. This application now includes claims 5, 7, and 11-14.

Applicants hereby incorporate by reference all previous arguments presented during the prosecution of the present application related to the patentability of claims 5, 7, and 11-14 in response to the rejections thereof. Applicants further argue as follows.

In the Final Office Action, Response to Arguments, the Examiner asserts that the "limitation of the separate chambers in the same printhead, does not have an effect on the ink composition as claimed, nor is the Examiner reading these limitations as they do not relate to the ink composition as originally claimed."

Applicants respectfully disagree with the Examiner's position. The Examiner may not simply ignore claim limitations in making a determination of anticipation under 35 U.S.C. 102(b).

As set forth in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); emphasis added. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is

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not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In view of the above, withdrawal of all rejections and allowance of the claims is respectfully requested.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,
/ Ronald K. Aust/
Ronald K. Aust
Registration No. 36,735
Attorney for Applicants

RKA/ts

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TAYLOR & AUST, P.C.
12029 E. Washington Street
Indianapolis, IN 46229
Telephone: 317-894-0801
Facsimile: 317-894-0803